BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES OF THE REPUBLIC OF THE PHILIPPINES AND THE FEDERAL MINISTER OF AGRICULTURE, FORESTRY, ENV...

Read online (full-text search, related cases, audio case brief): https://batas.org/library/db2d0a0c30c9/

The Department of Environment and Natural Resources of the Republic of the Philippines, represented by the Secretary of the Department of Environment and Natural Resources of the Republic of the Philippines, and the Federal Minister of Agriculture, Forestry, Environment and Water Management of the Republic of Austria, hereinafter referred to as Partners;

Recognizing that the Partners are Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and that the Republic of the Philippines and the Republic of Austria have ratified the Kyoto Protocol in November 2003 and in May 2002, respectively;

Affirming that as Parties to the UNFCCC and the Kyoto Protocol, the Partners intend to undertake all efforts to fulfil the fundamental objectives of the said Convention and Protocol and contribute to sustainable development;

Taking into account all the decisions in particular Article 12 of the Kyoto Protocol including Decision 15/CP.7 and 17/CP.7 adopted at the Marrakesh Conference as well as future decisions of the Conference of the Parties (COP) and the COP serving as the Meeting of Parties (COP/MOP) of the UNFCCC concerning the implementation of this Article;

Emphasizing the importance of enhanced co-operation in the field of environment and sustainable development;

Acknowledging that participation in a Clean Development Mechanism (COM) project activity is voluntary and implies mutual co-operation on an equal basis;

Considering that participation of both Partners in a CDM project activity is to assist the Republic of the Philippines in achieving sustainable development and in contributing to the ultimate objective of the Convention, and to assist Annex I Parties and in this regard the Republic of Austria in achieving compliance with their required emission limitation and reduction commitments under Article 3 of the Kyoto Protocol;

Pursuant to the prevailing laws and regulations of the respective countries;

Have reached the following understanding:

Article I
Scope and Objective
1. The co-operation in the framework of this Memorandum will include support from the Republic of Austria for realizing projects under the Clean Development Mechanism in accordance with Article 12 of the Kyoto Protocol in the Republic of the Philippines through joint activities.

2. The Partners will facilitate the exchange of information on their climate change programs and strategies, including programs for the use of the flexible mechanisms of the Kyoto Protocol.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

3. The Partners will cooperate in the development and implementation of COM projects and assist interested project developers, e.g. through providing relevant information on project, opportunities, on the relevant national provisions for such projects, including procedures for permitting and licensing, and on procedures for obtaining formal approval for project activities in accordance with Article 12.5 of the Kyoto Protocol.

4. The Partners will cooperate in the conduct of capacity building activities and the promotion on investments in CDM and will encourage the active participation of the private sector in the development of projects.

5. The Partners will respect the ownership of the accrued Certified Emission Reductions (CERs) from the approved CDM projects that have been agreed upon in such contracts for these projects, in accordance with the Partner's national laws, rules and regulations.

Article II

Project Cycle

1. The project cycle will be based on the provisions of the Kyoto Protocol and all relevant COP and COP/MOP decisions and will follow requirements of the respective national programs and guidelines of both Partners.

2. Baselines and monitoring plans will be established in accordance with the relevant COP and COP/MOP decisions and with guidelines of the COM Executive Board.

3. The Partners will support international efforts for the elaboration and further development of methodologies for baseline setting and monitoring plans and for simplified modalities and procedures for small-scale projects.

Article III

Approval of Projects by the Republic of the Philippines

and the Republic of Austria

The Republic of Austria will acquire Certified Emission Reductions from COM project activities between the Republic of the Philippines and the Republic of Austria provided that such project activities are in conformity with all relevant international rules and guidelines specifically of the CDM Executive Board and COP/MOP decisions as well as with the criteria of the respective national programs for CDM of both Partners. The formal approval of the project by the Republic of the Philippines will be a necessary precondition for acquisitions of the agreed part of CERs under the Austrian CDM program.

Article IV

Project Types and Categories

1. This Memorandum concerns the following priority project categories in so far as the technical implementation of the projects corresponds to the current stage of technical development:

a. Construction (or retrofitting) of combined heat and power (CHP) installations;

b. Fuel switch in energy conversion installations to renewables or from fuels with high carbon content to fuels with lower carbon content, in particular in existing distance-heating systems;

c. Construction (or retrofitting) of power generation installations operated with renewables (in particular hydropower, wind power, biogas or biomass CHP);

d. Projects leading to avoidance or (energetic) recovery of landfill gas;

e. Waste management measures contributing to avoidance of greenhouse gas emissions in particular through energy recovery and use;

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

f. Projects leading to reduction of final energy consumption in residential buildings, commercial, public and private services buildings as well as in industrial applications and processes (including waste heat potentials);

2. Projects not listed under paragraph 1, above, will be eligible if the Partners decide jointly that this Memorandum also covers their realization.

3. Projects will work towards contributing to the sustainable development of the Republic of the Philippines, providing overall positive concrete impacts on its environment, economic and social development.

4. Public funding for CDM project activities will be in addition to Official Development Assistance (ODA) of the Republic of Austria as required by the Marrakesh Accords.

5. Projects aiming at the construction or retrofitting of nuclear power plants are excluded under this Memorandum.

Article V

Co-ordination between Partners

1. Both Partners will authorize representatives to be responsible for the operative representation of the respective Partners and to function as direct contact points in all matters concerning the implementation of this Memorandum. The Republic of the Philippines has selected the CDM Steering Committee of the Designated National Authority for CDM, and the Republic of Austria has selected the Department V/4 Division for Air Quality and Climate Change of the Federal Ministry of Agriculture, Forestry, Environment and Water Management, representing the Designated National Authority to CDM, to act as the authorized representatives.

2. The authorized representatives will co-operate with project participants and their accredited operational entities in performing validation and certification of projects by the Partners.

Article VI

Settlement and Disputes

Any dispute between the Partners arising out of the interpretation or implementation of this Memorandum will be settled by consultations through diplomatic channels.

Article VII

Amendment

Any amendment or revision of the text of this Memorandum will be done by mutual consent of the Partners, through diplomatic channels. This amendment or revision will become effective on the dates as will be determined by the Partners.

Article VIII

Effectiveness and Final Provisions

1. This Memorandum will become effective on the date of the later notification by the Partners, through diplomatic channels, indicating that national requirements for the entry into effect have been completed. It shall remain effective unless a Partner will notify in written form the other Partner through diplomatic channels that this Memorandum ceases to be in effect 30 days after such a notification. Amendments and supplements require written form, and consent by both Partners.

2. The realization of CDM projects- agreed by the Partners during the period of application of the current Memorandum and the validity of the CERs generated thereafter by these projects will not be affected by the ending of the current Memorandum. The ending of this Memorandum will not affect the effectiveness and

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

duration of any ongoing program or project until the completion of such program or project.

3. The purpose of this Memorandum is strictly limited to the expression of desire of both Partners for mutual cooperation and this Memorandum will not create any legally binding rights for either Partner.

This Memorandum is executed in two originals in the English language, both texts being equally authentic.

SIGNED at Bali, Indonesia, on 12 December 2007

(Sgd.) (Sgd.)

Jose ATIENZA Josef PROLL

Secretary of the Department of Environment
and Natural Resources of the Republic of the
Philippines Federal Minister of Agriculture, Forestry,
Environment and Water Management of
the Republic of Austria

Entry into Force: June 23, 2008

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.